

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ICICI BANK UK PLC ANTWERP BRANCH,

Plaintiff,
-against-

SALIL MANILAL,

Defendant.

Civil Action No. 20-4808

NOTICE OF REMOVAL

From: Supreme Court of the State
New York, County of New York
(Index No. 162082/2018)

TO: UNITED STATES DISTRICT COURT JUDGE
FOR THE SOUTHERN DISTRICT OF NEW YORK

Defendant Salil Manilal (“**Defendant**”), by and through his counsel, hereby removes (the “**Notice of Removal**”) the above-captioned proceeding styled, *ICICI Bank UK PLC Antwerp Branch v. Salil Manilal* (Index No. 162082/2018) (the “**Civil Action**”) from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. §§ 1334(b) and 1452, and Rule 9027 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and in support thereof respectfully represents as follows:

FACTUAL & PROCEDURAL BACKGROUND

1. On December 21, 2018, ICICI Bank UK PLC Antwerp Branch (“**Plaintiff**”) commenced the Civil Action in the Supreme Court of the State of New York, County of New York (the “**State Court**”) by filing a *Summons* and *Notice of Motion for Summary Judgment In Lieu of Complaint* (and the exhibits annexed thereto) seeking recognition and enforcement of a foreign judgment pursuant to CPLR 3213 and 5303. See *Exhibits 1-6*.¹

¹ Copies of all State Court pleadings and process are annexed to *Exhibit B* hereto as *Exhibits 1-137*.

2. Defendant opposed the motion and cross-moved to dismiss the Civil Action on several grounds, including for lack of personal jurisdiction based on improper service of process or, alternatively, on the ground that the English translation of the Belgian judgment attached to Plaintiff's motion papers did not satisfy CPLR 2101(b) because it was not accompanied by a translator's affidavit setting forth the translator's qualifications and the accuracy of the English version. *See Exhibits 24-26, 36-39, 83-87 & 94-100.*

3. On May 27, 2020, the State Court issued a *Decision and Order of the Court* (W.F. Perry, J.) granting Plaintiff's motion for summary judgment. *See Exhibit 132.*

4. On June 11, 2020, Defendant filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the "**Bankruptcy Code**") in the United States Bankruptcy Court for the Southern District of New York (the "**Bankruptcy Court**"). The case is pending before the Honorable Shelley C. Chapman, and bears case number 20-11393 (SCC) (the "**Bankruptcy Case**"). A copy of the *Notice of Chapter 11 Bankruptcy Case* [Doc. No. 10] evidencing the filing of the petition and the entry of an order for relief is annexed hereto as *Exhibit B.*

JURISDICTION

5. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1334(b), which provides that United States District Courts shall have jurisdiction over all civil proceedings, "arising under" or "related" to cases under the Bankruptcy Code. *See* 28 U.S.C. § 1334(b).

6. The Civil Action is "related to" the Bankruptcy Case because: (i) Plaintiff seeks to enforce a judgment against Defendant; (ii) Defendant may seek indemnification or contribution against his co-defendant; and (iii) his co-defendant may seek contribution or

indemnification against Defendant, all of which, "could conceivably have" an effect on Defendant's bankruptcy estate. *See In re Cuyahoga Equip. Corp.*, 980 F.2d 110, 114 (2d Cir. 1992) ("The test ... is whether [the litigation's] outcome might have any conceivable effect on the bankrupt estate").

7. Courts have held that an action is "related to" a bankruptcy proceeding even when the claims are solely between third parties. *See Celotex Corp. v. Edwards*, 514 U.S. 300 (1995) (resolving a circuit split by holding that a dispute between parties other than the debtor may be "related to" bankruptcy although the debtor has no interest in the property over which the parties are in dispute); *In re Worldcom, Inc. Sees. Litig.*, 293 B.R. 308, 321 (S.D.N.Y. 2003) ("Because the effect of contribution claims on the bankruptcy estate is at the very least conceivable, the ... action is related to the bankruptcy and subject to the jurisdiction of this Court"); *see also In re Masterwear Corp.*, 241 B.R. 511, 516-17 (Bankr. S.D.N.Y. 1999) (holding that "related to" jurisdiction existed where defendants "may ultimately be entitled to recover some or all of their legal fees and expenses from [third-parties]").

PROCEDURAL COMPLIANCE

8. Pursuant to 28 U.S.C. § 1446(d) and Bankruptcy Rule 9027, this Notice of Removal is (i) timely filed with the clerk for the district and division within which the Civil Action is pending; (ii) signed pursuant to Bankruptcy Rule 9011; (iii) accompanied by a copy of all process and pleadings in the Civil Action filed to date in the State Court; (iv) contemporaneously filed with the clerk of the Supreme Court of the State of New York, County of New York; and (v) properly served upon Plaintiff's counsel.

REFERRAL TO THE BANKRUPTCY COURT

9. Subsequent to this removal, Defendant respectfully submits that the Civil Action should be referred to the United States Bankruptcy Court for the Southern District of New York.

* * *

WHEREFORE, Defendant hereby removes the Civil Action from the Supreme Court of the State of New York, County of New York to the United States District Court for the Southern District of New York, and respectfully requests that it be referred to the United States Bankruptcy Court for the Southern District of New York and such other and further relief as this Court deems just and proper.

Dated: New York, New York
June 23, 2020

ROSEN & ASSOCIATES, P.C.
Counsel to Salil Manilal

By: /s/ Sanford P. Rosen
Sanford P. Rosen
Paris Gyparakis

747 Third Avenue
New York, NY 10017-2803
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INDEX OF EXHIBITS

Exhibit A: State Court Document List

Exhibit B: All Pleadings and process from the State Court, including:

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- Exhibit 2:** RJI -RE: NOTICE OF MOTION
- Exhibit 3:** NOTICE OF MOTION FOR SUMMARY JUDGMENT IN LIEU OF COMPLAINT
- Exhibit 4:** AFFIDAVIT OR AFFIRMATION IN SUPPORT
- Exhibit 5:** EXHIBIT(S)(S) - Affidavit of Foreign Counsel
- Exhibit 6:** MEMORANDUM OF LAW IN SUPPORT
- Exhibit 7:** EX-PARTE ORDER (PROPOSED)
- Exhibit 8:** AFFIDAVIT OR AFFIRMATION IN SUPPORT
- Exhibit 9:** EXHIBIT(S)(S) - Affidavit of Foreign Counsel
- Exhibit 10:** EXHIBIT(S)(S) - ACRIS Documents
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- Exhibit 12:** NOTICE OF MOTION (AMENDED)
- Exhibit 13:** ORDER - OTHER
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- Exhibit 25:** EXHIBIT(S) - Deeds
- Exhibit 26:** AFFIRMATION/AFFIDAVIT OF SERVICE
- Exhibit 27:** AFFIDAVIT
- Exhibit 28:** AFFIDAVIT
- Exhibit 29:** AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO CROSS-MOTION AND IN FURTHER SUPPORT OF MOTION
- Exhibit 30:** EXHIBIT(S) - Affidavit of Foreign Counsel
- Exhibit 31:** EXHIBIT(S) - Chain of Emails
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- Exhibit 33:** AFFIRMATION/AFFIDAVIT OF SERVICE
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- Exhibit 35:** DECISION + ORDER ON MOTION
- Exhibit 36:** NOTICE OF ENTRY
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- Exhibit 38:** MEMORANDUM IN OPPOSITION TO MOTION AND IN SUPPORT OF CROSS-MOTION
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- Exhibit 44:** EXHIBIT(S)
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- Exhibit 46:** EXHIBIT(S) - Affidavit of Foreign Counsel
- Exhibit 47:** EXHIBIT(S) - English Translation of Foreign Judgment
- Exhibit 48:** EXHIBIT(S) - Transcript
- Exhibit 49:** EXHIBIT(S) - Affidavit of Service

- Exhibit 50:** EXHIBIT(S) - Affidavit of Service
- Exhibit 51:** EXHIBIT(S) - Chain of E-mails
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TO CROSS-MOTION AND IN FURTHER
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- Exhibit 53:** STIPULATION - BRIEFING SCHEDULE
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- Exhibit 60:** EXHIBIT(S) - Proposed Order
- Exhibit 61:** MEMORANDUM OF LAW IN SUPPORT
- Exhibit 62:** NOTICE OF MOTION (AMENDED)
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- Exhibit 64:** AFFIDAVIT OR AFFIRMATION IN
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- Exhibit 67:** EXHIBIT(S) - Emails
- Exhibit 68:** EXHIBIT(S) - Stipulation
- Exhibit 69:** EXHIBIT(S) - Letter From Foreign Counsel
- Exhibit 70:** MEMORANDUM OF LAW IN SUPPORT
- Exhibit 71:** STIPULATION - BRIEFING SCHEDULE
- Exhibit 72:** STIPULATION - BRIEFING SCHEDULE
- Exhibit 73:** MEMORANDUM OF LAW IN REPLY
- Exhibit 74:** AFFIDAVIT OR AFFIRMATION IN REPLY
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- Exhibit 76:** MEMORANDUM OF LAW IN SUPPORT
- Exhibit 77:** AFFIDAVIT OR AFFIRMATION IN
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- Exhibit 78:** EXHIBIT(S) - Affidavit of Service
- Exhibit 79:** EXHIBIT(S) - Affidavit of Service
- Exhibit 80:** AFFIDAVIT OR AFFIRMATION IN SUPPORT
- Exhibit 81:** EXHIBIT(S) - Emails
- Exhibit 82:** EXHIBIT(S) - Stipulation
- Exhibit 83:** ORDER TO SHOW CAUSE (PROPOSED)
- Exhibit 84:** AFFIDAVIT OR AFFIRMATION IN SUPPORT OF PROPOSED OSC/EXPARTE
- Exhibit 85:** Emergency Affirmation and Email to Opposing Counsel
- Exhibit 86:** AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO MOTION
- Exhibit 87:** MEMORANDUM OF LAW IN OPPOSITION
- Exhibit 88:** ORDER TO SHOW CAUSE - DECLINED/WITHDRAWN
- Exhibit 89:** BRIEFING SCHEDULE
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- Exhibit 91:** BRIEFING SCHEDULE
- Exhibit 92:** AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO MOTION
- Exhibit 93:** MEMORANDUM OF LAW IN OPPOSITION
- Exhibit 94:** NOTICE OF CROSS-MOTION
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- Exhibit 96:** AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO MOTION AND IN SUPPORT OF CROSS-MOTION
- Exhibit 97:** EXHIBIT(S) - Manilal Family Residence Trust Agreement
- Exhibit 98:** EXHIBIT(S) - Nina Manilal Residential Lease
- Exhibit 99:** MEMORANDUM IN OPPOSITION TO MOTION AND IN SUPPORT OF CROSS-MOTION
- Exhibit 100:** AFFIRMATION/AFFIDAVIT OF SERVICE
- Exhibit 101:** STIPULATION - OTHER - (REQUEST TO SO ORDER

- Exhibit 102:** Stipulation - Briefing Schedule
- Exhibit 103:** STIPULATION - OTHER - (REQUEST TO SO ORDER
- Exhibit 104:** STIPULATION - OTHER - (REQUEST TO SO ORDER
- Exhibit 105:** STIPULATION - OTHER - (REQUEST TO SO ORDER
- Exhibit 106:** STIPULATION - SO ORDERED
- Exhibit 107:** STIPULATION - SO ORDERED
- Exhibit 108:** STIPULATION - SO ORDERED
- Exhibit 109:** AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO CROSS-MOTION AND IN FURTHER SUPPORT OF MOTION
- Exhibit 110:** EXHIBIT(S) - Transcript
- Exhibit 111:** EXHIBIT(S) - Trust Agreement
- Exhibit 112:** EXHIBIT(S) - Emails
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- Exhibit 115:** EXHIBIT(S) - Resume
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- Exhibit 117:** EXHIBIT(S) - Lease
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- Exhibit 119:** EXHIBIT(S) - Demand Letter with Proof of Mailing
- Exhibit 120:** EXHIBIT(S) - Translated Belgian Brief
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- Exhibit 126:** AFFIDAVIT OR AFFIRMATION IN REPLY

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- Exhibit 128:** MEMORANDUM OF LAW IN REPLY
- Exhibit 129:** URGENT - COURT APPEARANCE UPDATE
- Exhibit 130:** DECISION + ORDER ON MOTION
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- Exhibit 134:** NOTICE OF ENTRY
- Exhibit 135:** NOTICE OF ENTRY
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- Exhibit 137:** NOTICE OF BANKRUPTCY (POST RJI)

Exhibit C: Notice of Chapter 11 Bankruptcy Case

Exhibit D: Bankruptcy Case Docket Report

Exhibit A

State Court Document List

Case Caption: **ICICI Bank UK PLC Antwerp Branch v. Salil Manilal**Judge Name: **Franc Perry**

Doc#	Document Type/Information	Status	Date Received	Filed By
1	SUMMONS AND 3213 MOTION W/ RJI - *Corrected*	Processed	12/24/2018	Finkel, A.
2	RJI -RE: NOTICE OF MOTION	Processed	12/21/2018	Finkel, A.
3	NOTICE OF MOTION FOR SUMMARY JUDGMENT IN LIEU OF COMPLAINT	Processed	12/27/2018	Finkel, A.
4	AFFIDAVIT OR AFFIRMATION IN SUPPORT	Processed	12/27/2018	Finkel, A.
5	EXHIBIT(S) Affidavit of Foreign Counsel	Processed	12/27/2018	Finkel, A.
6	MEMORANDUM OF LAW IN SUPPORT	Processed	12/27/2018	Finkel, A.
7	EXPARTE ORDER (PROPOSED)	Processed	01/16/2019	Finkel, A.
8	AFFIDAVIT OR AFFIRMATION IN SUPPORT	Processed	01/16/2019	Finkel, A.
9	EXHIBIT(S) Affidavit of Foreign Counsel	Processed	01/16/2019	Finkel, A.
10	EXHIBIT(S) ACRIS Documents	Processed	01/16/2019	Finkel, A.
11	MEMORANDUM OF LAW IN SUPPORT	Processed	01/16/2019	Finkel, A.
12	NOTICE OF MOTION (AMENDED)	Processed	02/07/2019	Finkel, A.
13	ORDER - OTHER	Processed	02/14/2019	Court User
14	ORDER - OTHER Amended Order Ex-Parte Order of Attachment	Processed	02/27/2019	Court User
15	ORDER TO SHOW CAUSE (PROPOSED)	Processed	03/29/2019	Finkel, A.
16	AFFIDAVIT OR AFFIRMATION IN SUPPORT OF MOTION	Processed	03/29/2019	Finkel, A.
17	AFFIDAVIT OR AFFIRMATION IN SUPPORT OF PROPOSED OSC/EXPARTE APP	Processed	03/29/2019	Finkel, A.
18	EXHIBIT(S) Commencement Docs	Processed	03/29/2019	Finkel, A.
19	EXHIBIT(S) Affidavit of Foreign Counsel	Processed	03/29/2019	Finkel, A.
20	EXHIBIT(S) Order of Attachment	Processed	03/29/2019	Finkel, A.
21	EXHIBIT(S) Sheriff's Certificate of Service	Processed	03/29/2019	Finkel, A.
22	MEMORANDUM OF LAW IN SUPPORT	Processed	03/29/2019	Finkel, A.



Doc#	Document Type/Information	Status	Date Received	Filed By
23	ORDER TO SHOW CAUSE	Processed	04/01/2019	Court User
24	AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO MOTION	Processed	04/15/2019	Wagner, A.
25	EXHIBIT(S) Deeds	Processed	04/15/2019	Wagner, A.
26	AFFIRMATION/AFFIDAVIT OF SERVICE	Processed	04/15/2019	Wagner, A.
27	AFFIDAVIT	Processed	04/16/2019	Finkel, A.
28	AFFIDAVIT	Processed	04/16/2019	Finkel, A.
29	AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO CROSS-MOTION AND IN FURTHER SUPPORT OF MOTION	Processed	04/16/2019	Finkel, A.
30	EXHIBIT(S) Affidavit of Foreign Counsel	Processed	04/16/2019	Finkel, A.
31	EXHIBIT(S) Chain of Emails	Processed	04/16/2019	Finkel, A.
32	NOTICE OF MOTION (AMENDED)	Processed	04/17/2019	Finkel, A.
33	AFFIRMATION/AFFIDAVIT OF SERVICE	Processed	04/18/2019	Finkel, A.
34	AFFIRMATION/AFFIDAVIT OF SERVICE	Processed	04/19/2019	Finkel, A.
35	DECISION + ORDER ON MOTION	Processed	04/24/2019	Court User
36	NOTICE OF ENTRY	Processed	05/23/2019	Finkel, A.
37	NOTICE OF CROSS-MOTION	Processed	05/24/2019	Wagner, A.
38	MEMORANDUM IN OPPOSITION TO MOTION AND IN SUPPORT OF CROSS-MOTION	Processed	05/24/2019	Wagner, A.
39	AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO MOTION AND IN SUPPORT OF CROSS-MOTION	Processed	05/24/2019	Wagner, A.
40	AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO CROSS-MOTION Please disregard this filing. It was filed in duplicate. Please refer to documents # 45 - # 52.	Processed	05/28/2019	Finkel, A.
41	EXHIBIT(S) Please disregard this filing. It was filed in duplicate. Please refer to documents # 45 - # 52.	Processed	05/28/2019	Finkel, A.
42	EXHIBIT(S) Please disregard this filing. It was filed in duplicate. Please refer to documents # 45 - # 52.	Processed	05/28/2019	Finkel, A.
43	EXHIBIT(S) Please disregard this filing. It was filed in duplicate. Please refer to documents # 45 - # 52.	Processed	05/28/2019	Finkel, A.



Doc#	Document Type/Information	Status	Date Received	Filed By
44	EXHIBIT(S) Please disregard this filing. It was filed in duplicate. Please refer to documents # 45 - # 52.	Processed	05/28/2019	Finkel, A.
45	AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO CROSS-MOTION AND IN FURTHER SUPPORT OF MOTION	Processed	05/28/2019	Finkel, A.
46	EXHIBIT(S) Affidavit of Foreign Counsel	Processed	05/28/2019	Finkel, A.
47	EXHIBIT(S) English Translation of Foreign Judgment	Processed	05/28/2019	Finkel, A.
48	EXHIBIT(S) Transcript	Processed	05/28/2019	Finkel, A.
49	EXHIBIT(S) Affidavit of Service	Processed	05/28/2019	Finkel, A.
50	EXHIBIT(S) Affidavit of Service	Processed	05/28/2019	Finkel, A.
51	EXHIBIT(S) Chain of E-mails	Processed	05/28/2019	Finkel, A.
52	MEMORANDUM OF LAW IN OPPOSITION TO CROSS-MOTION AND IN FURTHER SUPPORT OF MOTION	Processed	05/28/2019	Finkel, A.
53	STIPULATION - BRIEFING SCHEDULE	Processed	05/31/2019	Ness, D.
54	NOTICE OF MOTION	Processed	06/25/2019	Finkel, A.
55	AFFIDAVIT OR AFFIRMATION IN SUPPORT	Processed	06/25/2019	Finkel, A.
56	EXHIBIT(S) Orders of Attachment	Processed	06/25/2019	Finkel, A.
57	EXHIBIT(S) Confirmation Order	Processed	06/25/2019	Finkel, A.
58	EXHIBIT(S) Receiver Resume	Processed	06/25/2019	Finkel, A.
59	EXHIBIT(S) Harris Brown Stevens Description	Processed	06/25/2019	Finkel, A.
60	EXHIBIT(S) Proposed Order	Processed	06/25/2019	Finkel, A.
61	MEMORANDUM OF LAW IN SUPPORT	Processed	06/25/2019	Finkel, A.
62	NOTICE OF MOTION (AMENDED)	Processed	06/25/2019	Finkel, A.
63	NOTICE OF MOTION	Processed	06/25/2019	Finkel, A.
64	AFFIDAVIT OR AFFIRMATION IN SUPPORT	Processed	06/25/2019	Finkel, A.
65	EXHIBIT(S) Affidavit of Translator	Processed	06/25/2019	Finkel, A.



Doc#	Document Type/Information	Status	Date Received	Filed By
66	EXHIBIT(S) Emails	Processed	06/25/2019	Finkel, A.
67	EXHIBIT(S) Emails	Processed	06/25/2019	Finkel, A.
68	EXHIBIT(S) Stipulation	Processed	06/25/2019	Finkel, A.
69	EXHIBIT(S) Letter From Foreign Counsel	Processed	06/25/2019	Finkel, A.
70	MEMORANDUM OF LAW IN SUPPORT	Processed	06/25/2019	Finkel, A.
71	STIPULATION - BRIEFING SCHEDULE	Processed	07/11/2019	Ness, D.
72	STIPULATION - BRIEFING SCHEDULE	Processed	07/11/2019	Ness, D.
73	MEMORANDUM OF LAW IN REPLY	Processed	07/11/2019	Ness, D.
74	AFFIDAVIT OR AFFIRMATION IN REPLY	Processed	07/11/2019	Ness, D.
75	NOTICE OF MOTION	Processed	07/30/2019	Finkel, A.
76	MEMORANDUM OF LAW IN SUPPORT	Processed	07/30/2019	Finkel, A.
77	AFFIDAVIT OR AFFIRMATION IN SUPPORT	Processed	07/30/2019	Finkel, A.
78	EXHIBIT(S) Affidavit of Service	Processed	07/30/2019	Finkel, A.
79	EXHIBIT(S) Affidavit of Service	Processed	07/30/2019	Finkel, A.
80	AFFIDAVIT OR AFFIRMATION IN SUPPORT	Processed	07/30/2019	Finkel, A.
81	EXHIBIT(S) emails	Processed	07/30/2019	Finkel, A.
82	EXHIBIT(S) Stipulation	Processed	07/30/2019	Finkel, A.
83	ORDER TO SHOW CAUSE (PROPOSED)	Processed	07/31/2019	Ness, D.
84	AFFIDAVIT OR AFFIRMATION IN SUPPORT OF PROPOSED OSC/EXPARTE APP Affirmation in Support	Processed	07/31/2019	Ness, D.
85	AFFIDAVIT OR AFFIRMATION IN SUPPORT OF PROPOSED OSC/EXPARTE APP Emergency Affirmation and Email to Opposing Counsel	Processed	07/31/2019	Ness, D.
86	AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO MOTION	Processed	08/01/2019	Ness, D.
87	MEMORANDUM OF LAW IN OPPOSITION	Processed	08/01/2019	Ness, D.
88	ORDER TO SHOW CAUSE - DECLINED/WITHDRAWN	Processed	08/02/2019	Court User



Doc#	Document Type/Information	Status	Date Received	Filed By
89	BRIEFING SCHEDULE	Processed	08/15/2019	Ness, D.
90	BRIEFING SCHEDULE	Processed	08/15/2019	Ness, D.
91	BRIEFING SCHEDULE	Processed	08/15/2019	Ness, D.
92	AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO MOTION	Processed	08/19/2019	Ness, D.
93	MEMORANDUM OF LAW IN OPPOSITION	Processed	08/19/2019	Ness, D.
94	NOTICE OF CROSS-MOTION	Processed	08/29/2019	Ness, D.
95	AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO MOTION AND IN SUPPORT OF CROSS-MOTION	Processed	08/29/2019	Ness, D.
96	AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO MOTION AND IN SUPPORT OF CROSS-MOTION	Processed	08/29/2019	Ness, D.
97	EXHIBIT(S) Manilal Family Residence Trust Agreement	Processed	08/29/2019	Ness, D.
98	EXHIBIT(S) Nina Manilal Residential Lease	Processed	08/29/2019	Ness, D.
99	MEMORANDUM IN OPPOSITION TO MOTION AND IN SUPPORT OF CROSS-MOTION	Processed	08/29/2019	Ness, D.
100	AFFIRMATION/AFFIDAVIT OF SERVICE	Processed	08/29/2019	Ness, D.
101	STIPULATION - OTHER - (REQUEST TO SO ORDER) Stipulation - Briefing Schedule	Processed	09/05/2019	Ness, D.
102	STIPULATION - OTHER - (REQUEST TO SO ORDER)	Processed	09/05/2019	Ness, D.
103	STIPULATION - OTHER - (REQUEST TO SO ORDER)	Processed	09/05/2019	Ness, D.
104	STIPULATION - OTHER - (REQUEST TO SO ORDER)	Processed	09/05/2019	Ness, D.
105	STIPULATION - SO ORDERED	Processed	09/09/2019	Court User
106	STIPULATION - SO ORDERED	Processed	09/09/2019	Court User
107	STIPULATION - SO ORDERED	Processed	09/09/2019	Court User
108	AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO CROSS-MOTION AND IN FURTHER SUPPORT OF MOTION	Processed	10/08/2019	Finkel, A.
109	EXHIBIT(S) Transcript	Processed	10/08/2019	Finkel, A.
110	EXHIBIT(S) Trust Agreement	Processed	10/08/2019	Finkel, A.



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111	EXHIBIT(S) Emails	Processed	10/08/2019	Finkel, A.
112	EXHIBIT(S) Stipulation	Processed	10/08/2019	Finkel, A.
113	AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO CROSS-MOTION AND IN FURTHER SUPPORT OF MOTION	Processed	10/08/2019	Finkel, A.
114	EXHIBIT(S) Resume	Processed	10/08/2019	Finkel, A.
115	EXHIBIT(S) Analysis	Processed	10/08/2019	Finkel, A.
116	EXHIBIT(S) Lease	Processed	10/08/2019	Finkel, A.
117	AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO CROSS-MOTION AND IN FURTHER SUPPORT OF MOTION	Processed	10/08/2019	Finkel, A.
118	EXHIBIT(S) Demand Letter with Proof of Mailing	Processed	10/08/2019	Finkel, A.
119	EXHIBIT(S) Translated Belgian Brief	Processed	10/08/2019	Finkel, A.
120	EXHIBIT(S) Certifications of Translator	Processed	10/08/2019	Finkel, A.
121	MEMORANDUM OF LAW IN OPPOSITION TO CROSS-MOTION AND IN FURTHER SUPPORT OF MOTION	Processed	10/08/2019	Finkel, A.
122	MEMORANDUM OF LAW IN REPLY	Processed	10/16/2019	Ness, D.
123	AFFIDAVIT OR AFFIRMATION IN REPLY	Processed	10/16/2019	Ness, D.
124	MEMORANDUM OF LAW IN REPLY	Processed	10/16/2019	Finkel, A.
125	AFFIDAVIT OR AFFIRMATION IN REPLY	Processed	10/16/2019	Finkel, A.
126	EXHIBIT(S) Court Calendar	Processed	10/16/2019	Finkel, A.
127	MEMORANDUM OF LAW IN REPLY	Processed	10/16/2019	Finkel, A.
128	URGENT - COURT APPEARANCE UPDATE	Processed	03/20/2020	Court User
129	DECISION + ORDER ON MOTION	Processed	05/27/2020	Court User
130	DECISION + ORDER ON MOTION	Processed	05/27/2020	Court User
131	DECISION + ORDER ON MOTION	Processed	05/27/2020	Court User
132	DECISION + ORDER ON MOTION	Processed	05/27/2020	Court User



Doc#	Document Type/Information	Status	Date Received	Filed By
133	NOTICE OF ENTRY	Processed	06/03/2020	Finkel, A.
134	NOTICE OF ENTRY	Processed	06/03/2020	Finkel, A.
135	NOTICE OF ENTRY	Processed	06/03/2020	Finkel, A.
136	NOTICE OF ENTRY	Processed	06/03/2020	Finkel, A.
137	NOTICE OF BANKRUPTCY (POST RJI)	Processed	06/11/2020	Ness, D.

Exhibit B

All Pleadings and Process from the State Court

(See Exhibits 1-137)

Exhibit C

Notice of Chapter 11 Bankruptcy Case

Information to identify the case:

Debtor 1: Salil Prasan Manilal

First Name Middle Name Last Name

Social Security number or ITIN: xxx-xx-7839

EIN: _____

Debtor 2:

(Spouse, if filing)

First Name Middle Name Last Name

Social Security number or ITIN: _____

EIN: _____

United States Bankruptcy Court: Southern District of New York

Date case filed for chapter: 11 6/11/20

Case number: 20-11393-scc

Official Form 309E1 (For Individuals or Joint Debtors)

Notice of Chapter 11 Bankruptcy Case

02/20

For the debtor(s) listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors and debtors, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 11 plan may result in a discharge of debt. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 10 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office or the office of the U.S. Trustee cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

	About Debtor 1:	About Debtor 2:
1. Debtor's full name	Salil Prasan Manilal	
2. All other names used in the last 8 years	aka Salil P. Manilal	
3. Address	240 East 47th Street, Apt. 14D New York, NY 10017	
4. Debtor's attorney Name and address	Sanford Philip Rosen Rosen & Associates, P.C. 747 Third Avenue New York, NY 10017-2803	Contact phone (212) 223-1100 Email srosen@rosenpc.com
5. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov .	One Bowling Green New York, NY 10004-1408 Clerk of the Bankruptcy Court: Vito Genna	Office Hours: Monday – Friday 8:30 AM – 5:00 PM Contact phone 212-668-2870 Date: 6/11/20

For more information, see page 2 >

Debtor Salil Prasan Manilal

Case number 20-11393-scc

6. Meeting of creditors Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.	July 22, 2020 at 02:30 PM The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket. Debtor should bring this notice to the first meeting of creditors, together with any other documents requested by the U.S. trustee.	Location: Office of the United States Trustee, United States Bankruptcy Court, SDNY, One Bowling Green, Room 511, Fifth Floor, New York, NY 10004-1408
7. Deadlines The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.	File by the deadline to object to discharge or to challenge whether certain debts are dischargeable: You must file a complaint: <ul style="list-style-type: none"> • if you assert that the debtor is not entitled to receive a discharge of any debts under 11 U.S.C. § 1141(d)(3) or • if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6). Deadline for filing proof of claim: A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office. Your claim will be allowed in the amount scheduled unless: <ul style="list-style-type: none"> • your claim is designated as <i>disputed</i>, <i>contingent</i>, or <i>unliquidated</i>; • you file a proof of claim in a different amount; or • you receive another notice. If your claim is not scheduled or if your claim is designated as <i>disputed</i> , <i>contingent</i> , or <i>unliquidated</i> , you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled. You may review the schedules at the bankruptcy clerk's office or online at www.pacer.gov . Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial. All Proofs of Claim must be filed electronically on the Court's website or mailed to the court at the address listed in section 5.	First date set for hearing on confirmation of plan. The court will send you a notice of that date later. Filing deadline for dischargeability complaints: _____
8. Creditors with a foreign address	Deadline to object to exemptions: The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.	Filing Deadline: 30 days after the <i>conclusion</i> of the meeting of creditors
9. Filing a Chapter 11 bankruptcy case	Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate the debtor's business.	If you are a creditor receiving mailed notice at a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.
10. Discharge of debts	Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of a debt. See 11 U.S.C. § 1141(d). However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you believe that a particular debt owed to you should be excepted from the discharge under 11 U.S.C. § 523(a)(2), (4), or (6), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1141(d)(3), you must file a complaint and pay the filing fee in the clerk's office by the first date set for the hearing on confirmation of the plan. The court will send you another notice telling you of that date.	
11. Exempt property	The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov . If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 7.	

In re:
Salil Prasan Manilal
DebtorCase No. 20-11393-scc
Chapter 11**CERTIFICATE OF NOTICE**

District/off: 0208-1

User:
Form ID: 309E1Page 1 of 1
Total Noticed: 14

Date Rcvd: Jun 11, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 13, 2020.

db +Salil Prasan Manilal, 240 East 47th Street, Apt. 14D, New York, NY 10017-2135
 aty +Paris Gyparakis, Rosen & Associates, P.C., 747 Third Avenue, New York, NY 10017-2850
 smg N.Y. State Unemployment Insurance Fund, P.O. Box 551, Albany, NY 12201-0551
 smg New York City Dept. Of Finance, 345 Adams Street, 3rd Floor,
 Attn: Legal Affairs - Devora Cohn, Brooklyn, NY 11201-3719
 smg +United States Attorney's Office, Southern District of New York,
 Attention: Tax & Bankruptcy Unit, 86 Chambers Street, Third Floor, New York, NY 10007-1825
 7723153 +ANDERSON KILL, P.C., 1251 AVENUE OF THE AMERICAS, NEW YORK, NY 10020-1182
 7723154 FEDERALE OVERHEIDSDIENST FINANCIEN, ITALIELEI 4/3, ANTWERPEN, BELGIUM 200
 7723155 ICICI BANK UK PLC ANTWERP BRANCH, HOVENIERSSTRAAT 55, ANTWERPEN, BELGIUM 2018
 7723156 RAMESH GANDHI, BELGIELEI 7, ANTWERPEN, BELGIUM 2018
 7723157 +SABHARWAL & FINKEL, LLC, 250 PARK AVENUE, 7TH FLOOR, NEW YORK, NY 10177-0799

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

aty E-mail/Text: srosen@rosenpc.com Jun 11 2020 20:27:26 Sanford Philip Rosen,
 Rosen & Associates, P.C., 747 Third Avenue, New York, NY 10017-2803
 smg EDI: IRS.COM Jun 12 2020 00:13:00 Internal Revenue Service, PO Box 7346,
 Philadelphia, PA 19101-7346
 smg E-mail/Text: nys.dtf.bncnotice@tax.ny.gov Jun 11 2020 20:28:37
 New York State Tax Commission, Bankruptcy/Special Procedures Section, P.O. Box 5300,
 Albany, NY 12205-0300
 ust +E-mail/Text: ustpregion02.br.ecf@usdoj.gov Jun 11 2020 20:27:57 United States Trustee,
 Office of the United States Trustee, U.S. Federal Office Building,
 201 Varick Street, Room 1006, New York, NY 10014-7016

TOTAL: 4

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 13, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 11, 2020 at the address(es) listed below:

Paris Gyparakis on behalf of Debtor Salil Prasan Manilal pgyparakis@rosenpc.com,
 gyparakispr81087@notify.bestcase.com
 Sanford Philip Rosen on behalf of Debtor Salil Prasan Manilal srosen@rosenpc.com,
 RosenSR81087@notify.bestcase.com
 United States Trustee USTPRRegion02.NYECF@USDOJ.GOV

TOTAL: 3

Exhibit D

Bankruptcy Case Docket Report

Southern District of New York (Manhattan)

Bankruptcy Petition #: 20-11393-scc

Assigned to: Judge Shelley C. Chapman
 Chapter 11
 Voluntary
 Asset

Date filed: 06/11/2020
 341 meeting: 07/22/2020

Debtor

Salil Prasan Manilal
 240 East 47th Street, Apt. 14D
 New York, NY 10017
 NEW YORK-NY
 SSN / ITIN: xxx-xx-7839
aka Salil P. Manilal

represented by **Paris Gyparakis**
 Rosen & Associates, P.C.
 747 Third Avenue
 New York, NY 10017
 212-223-1100
 Email: pgyprakis@rosenpc.com

Sanford Philip Rosen
 Rosen & Associates, P.C.
 747 Third Avenue
 New York, NY 10017-2803
 (212) 223-1100
 Fax : (212) 223-1102
 Email: srosen@rosenpc.com

U.S. Trustee

United States Trustee
 Office of the United States Trustee
 U.S. Federal Office Building
 201 Varick Street, Room 1006
 New York, NY 10014
 (212) 510-0500

Filing Date	#	Docket Text
06/11/2020	<u>1</u> (7 pgs)	Chapter 11 Voluntary Petition for Individual. Order for Relief Entered. Filed by Sanford Philip Rosen of Rosen & Associates, P.C. on behalf of Salil Prasan Manilal. (Rosen, Sanford) Modified on 6/11/2020 (Porter, Minnie). (Entered: 06/11/2020)
06/11/2020		Receipt of Voluntary Petition (Chapter 11)(20-11393) [misc,824] (1717.00) Filing Fee. Receipt number A14055914. Fee amount 1717.00. (Re: Doc # <u>1</u>) (U.S. Treasury) (Entered: 06/11/2020)
06/11/2020	<u>2</u> (10 pgs)	Affidavit Pursuant to LR 1007-2 / <i>Declaration of Salil Prasan Manilal Pursuant to Local Rule 1007-2</i> Filed by Sanford Philip Rosen on behalf of Salil Prasan Manilal. (Rosen, Sanford) Modified on 6/11/2020 (Porter, Minnie). (Entered: 06/11/2020)
06/11/2020	<u>3</u> (1 pg)	Certificate of Credit Counseling, Certificate Number[s]: 12459-NYS-CC-034542240 Filed by Paris Gyparakis on behalf of Salil Prasan Manilal. (Gyparakis, Paris) Modified on 6/11/2020 (Porter, Minnie). (Entered: 06/11/2020)
06/11/2020		Judge Shelley C. Chapman added to the case. (Porter, Minnie). (Entered:

		Deficiencies Set: Chapter 11 Statement of Current Monthly Income Form 122B Due 6/25/2020. Schedule A/B due 6/25/2020. Schedule C due 6/25/2020. Schedule D due 6/25/2020. Schedule E/F due 6/25/2020. Schedule G due 6/25/2020. Schedule H due 6/25/2020. Schedule I due 6/25/2020. Schedule J due 6/25/2020. Summary of Assets and Liabilities due 6/25/2020. Statement of Financial Affairs due 6/25/2020. Atty Disclosure State. due 6/25/2020. Declaration of Schedules due 6/25/2020. List of all creditors Due at Time of Filing. List of All Creditors Required on Case Docket in PDF Format Due at Time of Filing. Incomplete Filings due by 6/25/2020, (Porter, Minnie). (Entered: 06/11/2020)
06/11/2020	4 (2 pgs; 2 docs)	Deficiency Notice (Porter, Minnie). (Entered: 06/11/2020)
06/11/2020	5 (2 pgs)	For Individual Chapter 11 Cases: List of Creditors Who Have 20 Largest Unsecured Claims and Are Not Insiders (Official Form 104) Filed by Paris Gyparakis on behalf of Salil Prasan Manilal. (Gyparakis, Paris) Modified on 6/11/2020 (Porter, Minnie). (Entered: 06/11/2020)
06/11/2020	6 (2 pgs)	Matrix Filed by Paris Gyparakis on behalf of Salil Prasan Manilal. (Gyparakis, Paris) Modified on 6/11/2020 (Porter, Minnie). (Entered: 06/11/2020)
06/11/2020	7 (3 pgs; 2 docs)	Notice of 341(a) Meeting of Creditors 341(a) meeting to be held on 7/22/2020 at 02:30 PM at Office of UST (One Bowling Green, Fifth Floor, Room 511). (Richards, Beverly). (Entered: 06/11/2020)
06/11/2020	8 (2 pgs)	Notice of Proposed Order <i>Scheduling Initial Case Conference</i> filed by Paris Gyparakis on behalf of Salil Prasan Manilal. (Gyparakis, Paris) (Entered: 06/11/2020)
06/12/2020	9 (2 pgs)	Order Scheduling Initial Case Conference signed on 6/12/2020; with hearing to be held telephonically on 7/1/2020 at 11:00 a.m. (White, Greg) (Entered: 06/12/2020)
06/13/2020	10 (3 pgs)	Certificate of Mailing Re: Notice of 341(a) Meeting of Creditors (related document(s) (Related Doc # 7)) . Notice Date 06/13/2020. (Admin.) (Entered: 06/14/2020)
06/13/2020	11 (2 pgs)	Certificate of Mailing Re: Deficiency Notice (related document(s) (Related Doc # 4)) . Notice Date 06/13/2020. (Admin.) (Entered: 06/14/2020)
06/17/2020	12 (2 pgs)	Certificate of Service (related document(s) 9) Filed by Paris Gyparakis on behalf of Salil Prasan Manilal. (Gyparakis, Paris) (Entered: 06/17/2020)